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**PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Mark A. PRELAS, et al.

PCT/US99/00380

Appln. No.: 09/600,279

Group Art Unit: Unknown

Confirmation No.: UNKNOWN

Examiner: Unknown

Filed: July 14, 2000

For: SOLID STATE ELECTRIC GENERATOR USING
RADIONUCLIDE-INDUCED EXCITON PRODUCTION

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20 JUL 2001

**Legal Staff
International Division**

**REQUEST FOR RECONSIDERATION OF DECISION
ON PETITION UNDER 37 CFR 1.47(a)**

ATTN: BOX PCT

Attn: OFFICE OF PCT LEGAL ADMINISTRATION

Assistant Commissioner for Patents

Washington, D.C. 20231

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OFFICE OF PETITIONS

Sir:

This is in response to the "DECISION ON PETITION UNDER 37 CFR 1.47(a), dated May 23, 2001, issued in the above application (the "Decision"). Applicant respectfully requests that the Decision be reconsidered in light of the following facts and enclosed submissions.

BACKGROUND

The statement of facts in the Background section of the Decision is correct. In supplement thereto for purposes of this request for reconsideration, Applicants submit the following additional facts.

At the time of filing in the USPTO of Provisional Application S.N. 60/071,667 from which priority for the above referenced application is claimed, January 16, 1998, five co-inventors were identified. The five inventors included Mr. Mark A. Prelas, Mr. John Sved, Mr. Howard T. Jennings, Mr. Allister Dann and Mr. Andrew Mountford, as evidenced by the filing receipt attached hereto as Exhibit A. At that time, Mr. Prelas worked for HIRA Associates, Mr. Sved worked for Daimler Aerospace (DASA) and Messrs Jennings, Dann and

Mountford worked for British Nuclear Fuels Ltd. (BNFL). Each of the inventors signed a separate assignment document in December 2000, acknowledging his joint inventorship with the other four joint inventors and assigning that inventor's rights to his employer, as evidenced by Exhibits B-F. Messrs Prelas, Sved, Jennings and Mountford also signed a Declaration and Power of Attorney document at the same time, as evidenced by Exhibits G-J. However, Mr. Dann did not sign the Declaration and Power of Attorney document, probably due to inadvertent omission.

Shortly after the beginning of 2001, each of Messrs. Jennings, Dann and Mountford left the employ of BNFL and are now employed elsewhere. An effort to locate Mr. Dann and obtain his signature on the Declaration was unsuccessful, as described in the Submission Under 37 C.F.R. § 1.425(a) filed on February 5, 2001. It is believed by the undersigned and without evidence other than hearsay, that hard feelings existed between Mr. Dann and both BNFL and certain of his co-inventors that led him to avoid any contact for purposes of identifying his current address or of signing a Declaration. However, following receipt of the Decision, the undersigned once again sought to find Mr. Dann through further contact with the inventors and BNFL. Fortunately, the undersigned was able to obtain his current email address and contact him. This was confirmed in a letter from BNFL. (Exhibit K).

APPLICANTS NOW FULLY COMPLY

In the Decision at page 2, the PCT Legal Examiner identified four criteria for a proper Petition under 37 C.F.R. § 1.47(a): (1) the fee under 37 C.F.R. § 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached, (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 C.F.R. § 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

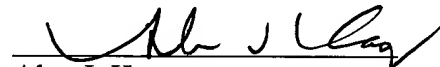
The PCT Petition Examiner found that Applicants complied with requirements (1) and (3). The PCT Petition Examiner found that criterion (2) and (4) were not met.

Submitted herewith is an executed declaration of Mr. Dann, which was obtained in June 2001. Mr. Dann agreed to cooperate and signed the Declaration. His signature clearly matches that of the signature appearing on the assignment. On the basis of this submission, it is submitted that Applicants now comply with the requirements of 37 C.F.R. § 1.47(a) in that all

inventors now have submitted a declaration. At least, Applicants submit that this compliance is sufficient to have a filing date granted and the Petition for Reconsideration granted. If additional submissions are required of Mr. Dann or other inventors, adequate time to locate them should be given as it is believed that other inventors also have moved or otherwise left the employ of the original assignee.

Please charge any additional fees under 37 C.F.R. § 1.16 or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to Deposit Account No. 19-4880. A duplicate copy of this sheet is enclosed.

Respectfully submitted,


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